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Appl. No. 10/075,326
RCE Amendment dated June 4, 2004
Response to Notice of Non-Compliance of May 25, 2004 and to Final Office Action of January 30, 2004

REMARKS

The Notice of Non-Compliance of May 25, 2004, and the Final Office Action dated January 30, 2004 has been carefully considered. Applicant appreciates the Examiner's thorough review of the application. The changes presented herewith, taken with the following remarks, are believed sufficient to place the present application in condition for allowance. Withdrawal of the objections/rejections and reconsideration are respectfully requested.

Status of the Claims

Claims 1-4, 9, 10, 13, 14, 16, 28-30, 33, and 34 are currently amended by the present amendment. Claims 15, 27, 31, and 32 have been canceled without prejudice. New claims 35-40 have been added. Accordingly, claims 1-4, 9, 10, 13, 14, 16, 28-30, and 33-41 stand pending in this application and are believed to be in condition for allowance.

Support for the amendment to Claims 1, 16, and 33 can be found in the specification, e.g., see the paragraph beginning on page 5, line 26 and the paragraph beginning on page 6, line 10. Claim 16 further includes language describing the container from original Claim 1. The amendments to Claims 2-4, 9, 10, 13, 14, 28-30, and 34 correct minor informalities or claim dependencies. Support for new Claims 35-41 can be found in original Claims 2-7 or 12 and/or the specification.

Formalities

The Examiner has objected to the specification as failing to provide proper antecedent basis for the edges or surfaces set forth in Claim 33. Applicant submits that opposing edges and surfaces are described in the specification. For basis see page 7, lines 14-21. The Applicant submits that the amendment to Claim 33 obviates the Examiner's objection.

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The Examiner has not objected/rejected the subject matter of Claims 14 and 16. Claims 17-26 were previously withdrawn by Applicant's election.

Rejections under 35 U.S.C. § 112

- 1. Claim 27 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite.**

Since Claim 27 has been canceled without prejudice, the Applicant submits that this rejection is obviated. Therefore, withdrawal of the §112 rejection is kindly requested.

- 2. Claim 34 was rejected under 35 U.S.C. §112, first paragraph, as having subject matter not described in the specification.**

The Applicant kindly traverses this rejection. The Applicant submits that Figures 3a-3d, 4a-4d, and 5 all show that the length of the bottom side wall is dimensioned less than the height of each of the vertically-stacked substrates. Therefore, withdrawal and reconsideration of the §112 rejection is kindly requested.

Rejection under 35 U.S.C. § 102(b)

- 1. The Examiner has rejected Claims 1, 2, 4, 9, 10, 27, 28, 31, and 32 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,151,946 to Schmidt (hereinafter "Schmidt").**

The Applicant respectfully disagrees. The Examiner has allowed the subject matter of a container comprising an inclined bottom side wall. Claim 1, as amended, recites a container including an interior area for housing a plurality of vertically stacked substrates. The container comprises top and bottom side walls opposing each other, front and back side walls opposing each other and left and right side walls opposing each other. The container further includes a dispensing opening. The angle between the front side wall and the bottom side wall is greater than 90° but less than 180° and the dispensing opening is located in the top side wall or the front side wall or on the intersection between

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the top side wall and the front side wall. The container comprises a substrate-dispensing aid comprising the bottom side wall which is inclined from the front side wall to the back side wall of the container to bias a plurality of vertically stacked substrates toward the front side wall to assist in positioning an edge of a substrate adjacent the dispensing opening.

Schmidt fails to disclose all of the limitations of claim 1. For example, Schmidt fails to disclose a container that comprises a substrate-dispensing aid comprising a bottom side wall which is inclined from the front side wall to the back side wall of the container to bias a plurality of vertically stacked substrates toward the front side wall to assist in positioning an edge of a substrate adjacent the dispensing opening. Accordingly, it is believed that the rejection of Claim 1 in view of should be withdrawn. Similarly, Applicant requests removal of the rejections of claims 2, 4, 9, and 10 in view of Schmidt as these claims each depend directly from Claim 1, which is believed to be allowable over Schmidt for reasons stated above.

In addition, Schmidt fails to disclose all of the further limitations of Claim 28. Claim 16, as amended, comprises a false bottom side wall which is inclined from the front side wall to the back side wall of the container to bias a plurality of vertically stacked substrates toward the front side wall to assist in positioning an edge of a substrate adjacent the dispensing opening. Schmidt is silent on a container comprising a false bottom side wall. Since Claim 28, depends on Claim 16, as amended, and because Claims 31 and 32 have been canceled, the Applicant believes that the §102(b) rejection is obviated. Therefore, withdrawal and reconsideration of the §102(b) rejection is kindly requested.

Rejections under 35 U.S.C. § 103(a)

1. The Examiner has rejected Claims 2, 3, and 29 under 35 U.S.C. §103(a) as being unpatentable over Schmidt.

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As stated above, the Examiner has allowed the subject matter of a container comprising an inclined bottom side wall. Specifically, Schmidt fails to teach or suggest a container that comprises a substrate-dispensing aid comprising a bottom side wall or false bottom side wall which is inclined from the front side wall to the back side wall of the container to bias a plurality of vertically stacked substrates toward the front side wall to assist in positioning an edge of a substrate adjacent the dispensing opening. Since Claims 2, 3, and 29, depend on either Claim 1 or 16, as amended, which comprise the inclined bottom side wall or false bottom side wall that is neither taught nor suggested by Schmidt, the §103(a) rejection is obviated. Therefore, the Applicant requests withdrawal and reconsideration of the §103(a) rejection.

2. The Examiner also rejects Claims 1-4, 9, 10, 13, 27, 28, 30, 31, 32, 33, and 34 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,971,153 to Bauer et al. (hereinafter "Bauer") in view of U.S. Patent No. 5,022,216 to Muckenfuhs et al. (hereinafter "Muckenfuhs").

As stated above, the Examiner has allowed the subject matter of a container comprising an inclined bottom side wall. Specifically, neither Bauer nor Muckenfuhs, alone or in combination, teach or suggest a container that comprises a substrate-dispensing aid comprising a bottom side wall or false bottom side wall which is inclined from the front side wall to the back side wall of the container to bias a plurality of vertically stacked substrates toward the front side wall to assist in positioning an edge of a substrate adjacent the dispensing opening. Independent Claims 1, 16, and 33 all comprise a bottom side wall or false bottom side wall which is inclined from the front side wall to the back side wall of the container to bias a plurality of vertically stacked substrates toward the front side wall to assist in positioning an edge of a substrate adjacent the dispensing opening. Claims 27, 31, and 32 have been canceled without prejudice. Since Claims 2-4, 9, 10, 13, 28, 30, and 34, depend on either Claim 1, 16, or 33, as amended, which comprise the inclined bottom side wall or false

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bottom side wall that is neither taught or suggested by Bauer or Muckenfuhs, alone or in combination, the §103(a) rejection is obviated. Therefore, the Applicant requests withdrawal and reconsideration of the §103(a) rejection.

3. The Examiner has rejected Claim 15 under 35 U.S.C. §103(a) as being unpatentable over Bauer in view of Muckenfuhs further in view of U.S. Patent No. 6,318,589 to Simpson (hereinafter "Simpson").


The Applicant respectfully traverses this rejection. Claim 15 has been canceled without prejudice. Therefore, the Applicant requests withdrawal and reconsideration of the §103(a) rejection.

CONCLUSION

It is believed that the above represents a complete response to the Examiner's claim objections and rejections, and therefore places the present application in condition for allowance. Reconsideration and an early allowance are requested.

Respectfully submitted,
Raphael Louis Mangin

By



Kevin L. Waugh
Attorney for the Applicant
The Procter & Gamble Co.
Cincinnati, Ohio
(513) 627-7386

Customer No. 27752
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